THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.21509 of 1997

Dated 12-02-2007

Between:
Y.V.V.Narayana.

..... PETITIONER

AND

Indian Oil Corporation Ltd. Nungambakkam High Road, Chennai & another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.21509 of 1997

O R D E R:

The action of the respondents in not providing suitable employment to the petitioner herein in their Industrial Establishment, is impugned in this writ petition, as being arbitrary and illegal.

An extent of Ac.1.19 cents of land belonging to the petitioner's father was acquired for the purpose of establishing Industrial units and to develop an Industrial establishment. Similarly, an extent of Ac.0.40 cents of land was acquired from one Yarramasu Srinivasa Rao, the petitioner's brother. Pursuant to an agreement entered into between the respondent-Corporation and Andhra Pradesh Industrial Infrastructure Corporation (for short 'APIIC'), the respondent-Corporation was required to reserve 10% of the jobs, in the Industrial units set up by them in the schedule lands, in favour of members of families whose lands had been acquired for the Industrial complex, subject to their eligibility and suitability as per the qualifications prescribed for the jobs. Pursuant thereto, 61 posts in the cadre of peon, khalasi and operators were sanctioned. From out of the list of 102 persons, whose lands were acquired, 72 were found not eligible as they did not possess the requisite qualifications of SSC and from among the 30 persons, who were found eligible for being considered under land losers category, i.e. 10% of 61 posts i.e. 6 posts were filled up by appointing such of those candidates. In May, 1990, when this exercise was undertaken, the petitioner's case was also examined. Since, he did not possess the prescribed minimum qualification of a pass in SSC, he was not considered for appointment. The petitioner, subsequently, acquired SSC qualification and since he now possessed the qualification prescribed for the post of peon/khalasi, he claims to be entitled to be appointed in the said post, in view of the fact that the land belonging to his father was acquired for the purpose of the Industrial complex.

Sri P.Nageswara Sree, learned counsel for the respondent-Corporation, would submit that vast extents of land were acquired for

APIIC, which, in turn, allotted different extents of land to different Industrial Establishments. Learned counsel would contend that the land allotted to the respondent-Corporation was Darga land. Learned counsel would, however, fairly agree that in view of clause 18 of the agreement entered into between the respondent-Corporation and the APIIC, 10% of the jobs in the industrial units set up by them on those lands were required to be reserved in favour of land losers. It is, therefore, wholly unnecessary to dwell further on this aspect or to examine whether the land belonging to the petitioner's father was acquired for the establishment of an industrial unit by the respondent-Corporation.

In the counter affidavit filed before this Court in February, 1998, it is stated that all the posts within the 10% reserved in favour of land losers have been filled up. More than 9 years elapsed since then.

Clause 18 of the agreement requires 10% of the jobs in the industrial units established from out of the lands acquired by the APIIC to be reserved in favour of land losers. Reserving 10% of the jobs is not a one-time exercise. Within this 10% reserved in their favour and as and when vacancies arise, the respondent-Corporation is required to consider the case of the eligible candidates from amongst the land losers and if found eligible, provide them employment. More than 9 years have elapsed since the jobs, within this 10% reserved quota, has been filled up. It is not known as to whether any vacancies have arisen thereafter. Ends of justice would be met if the respondent-Corporation is directed to consider the case of the petitioner for appointment in any of the vacant post within the 10% quota reserved in favour of the land losers provided, of course, he is found eligible and suitable to be appointed in the said post. The entire exercise, in this regard, shall be undertaken and completed within a period of three months from the date of receipt of a copy of this order and a decision shall be communicated to the petitioner within the aforesaid period. Needless to state that, in case, no vacancies are available, the respondent-Corporation shall communicate details of the number of posts which are earmarked under this 10% quota and the names of the persons

who occupy the said posts. It is also made clear that if no vacancies arise within this three month period and arise subsequently, the petitioner shall be intimated of the vacancy and his case would be considered if the vacancy is sought to be filled up in accordance with clause 18 of the agreement.

The Writ Petition is accordingly disposed of. No order as to costs.

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12-02-2007

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